



VOL. CXV.

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NOTES of the WEEK

Plain Clothes Motor Patrols

In some quarters strong objection is made to any proposal that police in plain clothes should be used as patrols for the purpose of dealing with driving offences and generally with instances of bad driving by motorists. On the other hand, many people urge that just as policemen in multi are used for the purpose of detecting offences and arresting offenders in general so also they can quite properly be used in respect of road offences. The late Sir Leo Page was a determined advocate of the use of these plain clothes patrols.

The patrols have been tried in Oxfordshire, and motorists on the London to Oxford road are familiar with the prominent notices telling them the patrols are operating. The current number of *The Pedestrian* contains the following :

"The Chief Constable of Oxfordshire has produced a report on the operation during the first six months of the year of plain clothes motor patrols to check dangerous driving. He explains that after the end of petrol rationing last year there was an alarming increase in the accident rate and that it appeared that the uniformed motor patrols were not entirely successful. As an experiment the worst section of the A.40 trunk road was heavily patrolled during daylight hours for a month with uniformed officers so that the driver of a vehicle was never out of sight of one. During this period there was not a single accident : on the contrary, there was a considerable improvement in the standard of driving. As it was impossible to station police officers at short intervals along all the main roads, and in *The Times* correspondence a suggestion had been made that officers in plain clothes might be used to deal with offenders, an experiment was carried out with an ordinary police car from which signs had been removed. The car was manned with two officers whose uniforms were covered by mackintoshes. They were instructed to report only cases of really dangerous driving, and a number of prosecutions were instigated.

"It was recognized, however, that without publicity the use of plain clothes patrols was of limited value as they only dealt with offenders after an offence, whereas the primary object of the police was to prevent crime. Therefore, from January 1, additional cars were used and it was publicly announced that plain clothes patrols were operating. Large notice boards were erected at intervals to that effect. The erection of the warning notices was followed by a marked reduction in the number of casualties which could only be accounted for by the use of the signs.

"The Chief Constable points out that an assessment of the results of the experiment is complicated by the fact that at

about the same time that the petrol restrictions were removed traffic in the county was increased by the arrival of several thousand American troops with their vehicles and a tremendous increase of lorry mileage caused by hundreds of lorries delivering thousands of tons of stone from quarries to aerodromes. But these conditions made the reduction in fatalities the more noteworthy.

"The Chief Constable concludes that he has no doubt that already the use of plain clothes patrols has saved lives by preventing accidents. They would continue to operate until the end of the year when it would be possible to make a more satisfactory comparison with the previous year."

It would be interesting to know whether similar experiments are going on elsewhere and with what results. It is, of course, essential that they should continue for some time before either success or failure should be attributed to them.

Badges for Magistrates

A note in the current number of *The Magistrate* suggesting that magistrates should have some insignia of office, recalls that in the eighteenth and early part of the nineteenth centuries the Chief Magistrate of the Metropolis always wore a badge. This badge incorporated the portcullis from the arms of the City of Westminster and was worn on a silk ribbon.

A portrait of the blind magistrate, Sir John Fielding, which hangs in the Chief Magistrate's room at Bow Street, shows him wearing a badge.

Connivance

The case of *G v. G* (*The Times*, October 26, 1951), before Karminski, J., raised a difficult point of law relating to connivance at adultery.

For our purpose it is not necessary to go into all the details of an unpleasant case, and it is sufficient to state facts very briefly. It was alleged that because of difficulty in the sexual relations of the parties the husband had suggested that he should attempt relations with another woman in the hope of removing his own inhibition. The wife, it was said, eventually consented, though most reluctantly, and she rejected the suggestion of relations with a particular woman named by her husband. Later the husband falsely told her he had found another woman not the one named, though he refused to disclose her identity. Afterwards, he told his wife he had given up the other woman (which the court found untrue) and sexual relations took place

between the parties. Later the husband confessed the truth and the parties separated.

In the course of a considered judgment, in which he reviewed various authorities, Karminski, J., said that once connivance had been proved. The court must investigate all the circumstances including the lapse of time between the adultery and then decide whether or not the connivance had spent its force before the subsequent adultery had been committed. The wife in this case had condoned the adultery at which she connived, in the erroneous belief that it had ceased. The husband however continued to commit adultery and his wife later discovered it. The question was whether the wife's connivance had spent itself. After full consideration, said the learned judge, he came to the conclusion that it had, for she had withdrawn her consent to his adultery and forgiven what was past. As she had not connived at the later adultery there would be a decree *nisi* in her favour.

Dogs in Food Shops and Restaurants

We commend to the attention of traders, as well as to the local authorities concerned, circular MF20/51 dated October 24. In it the Ministry of Food calls attention to the question of dogs being brought into premises in which food is sold.

It is doubtless true that, as stated by the Minister some time ago, little success would result from any attempt to deal with the matter by legislation. He appealed to the public and traders to keep dogs out of premises where food is sold and where their presence is unhygienic. The present circular refers to the fact that a number of local authorities have encouraged food traders to display a notice signed by the Medical Officer of Health requesting customers not to bring dogs into the premises. He feels that the general adoption of this practice would be a practical step to a higher standard of food hygiene and therefore recommends all authorities to consider the advantage of issuing a suitable notice.

Dog owners should see the reasonableness of such a request and make no difficulty about compliance with it.

Reward or Punishment

A somewhat unusual suggestion for reducing road accidents by encouraging careful driving was made at the recent National Safety Congress. The speaker said the encouragement of good drivers was of more importance than the punishment of bad. After making the reasonable suggestion that insurance companies might give larger no claims' bonuses he proposed the endorsement of driving licences after specified periods of clean driving; recognition of safe driving by the issue of windscreen labels; and schemes similar to one run by a newspaper in which good drivers noted by observers were rewarded.

This seems to us to approach the question from a wrong angle. To exercise care and competence when driving is only a negative sort of virtue, amounting to no more than refraining from doing what no one ought to do. We cannot see why a person should be rewarded, even with only a badge or a label, simply because he has behaved as a good citizen should when driving, and as most drivers do. Almost as well might the dairyman display a notice to the effect that he had never been convicted of selling inferior milk, or the coal merchant that he had never been in court for giving short weight. Surely we do not need to make a display of this kind of virtue. Let us label the kicking horses rather than bedeck all the well behaved with white ribbons.

A representative of the Ministry of Transport who spoke at the Road Safety Congress was reported as saying that he believed

safe driving could best be encouraged by taking away the licences of motorists found guilty of driving dangerously and checking inconsiderate and bad driving by the more extensive use of mobile police, using methods of persuasion as well as "the big stick."

That sounds like common sense. Persuasion may be reasonable enough for minor lapses which hardly call for proceedings in court, but "the big stick" must be used in bad cases. It can hardly be believed that a driver who is prone to carelessness is likely to be turned into a model driver by the hope that in course of time he may be able to wear a label on the windscreen showing that he has kept out of trouble for a number of years. The best way to deal with really dangerous drivers is to remove them from the roads by disqualification, and if this policy were more widely followed and suitable fines or even sentences of imprisonment imposed, the effect would, we believe, be far greater than that of commendations and badges for the many who are careful.

More or Fewer Crossings

We spoke at p. 483, *ante*, of the new regulations for pedestrian crossings. They are part of a reorganization of the whole system, which at present is undergoing a dropping fire from several quarters. Many local authorities and road safety committees are objecting to the proposal of the Minister of Transport to reduce the number of crossings, and in some places an increase of the number is being urged. Particular annoyance seems to have been caused (to judge from country newspapers which reach us), by proposals said to have been made by the Minister that the number of road crossings on trunk roads for which he is responsible should be maintained, while those on other roads much used by motor traffic should be cut down or eliminated. In Norfolk, for example, it is said to have been suggested to the county council that two thirds of the existing pedestrian crossings should be done away with, a suggestion to which strong objection has been taken, particularly as affecting crossings near schools. Time alone will show whether the objecting local authorities are right in thinking that crossings should remain as they are, or the advisers of the Minister in thinking that the present number is too large. The first sympathy of motorists is likely to be with the Minister's view, rather than in favour of retaining crossings, but there are two sides to the question even as the motorist sees it. While discussion was proceeding upon the new London regulations, it was pointed out in *The Times* that, in addition to a number of possible hold-ups for the motorist while driving in to London, there was the perpetual difficulty of the pedestrian who will not use the crossings. The opinion of motorists who wrote to the newspapers seemed to be divided between those who thought there were too many crossings in the London suburbs and those who were content with the present number, or possibly would have had no objection to a greater number, if this had the result of keeping pedestrians to definite crossing places. It is, if thought out, not a little curious that railway lines where lethal machines pass at longish intervals and approach with a roar and clatter are vigorously fenced, and crossing them or even walking on them is penalized, while roads, haunted by lethal machines which swoop silently and in large numbers, are open to indiscriminate walking. The pedestrian crossing is a compromise, and, like all compromises, unsatisfactory to some people on both sides.

Memoranda on Legislation

At the recent meeting at Cambridge of the Society of Public Teachers of Law, difficulties were explained by

Sir Granville Ram about complying with a suggestion, which has been often made, that when an Act is passed there should be issued with it a governmental memorandum explaining its provisions. Sir Granville Ram saw difficulties about adopting this suggestion, but made it clear that he was speaking only from the draftsman's point of view. As he saw the problem, a memorandum prepared at the time a Bill was introduced or early in its progress would have to be altered at every stage, to show the result of amendments on the floor of each House and in committee, which would hardly be practicable when successive stages were taken quickly. Alternatively, if the preparation of the memorandum was deferred until a late stage it might not be ready for issue to the public at the same time as the printed Act. There would, he considered, be a danger also that such a memorandum might be tendentious, and not give the public a fair idea of how the provisions of the Act would work. With great respect to so eminent an authority, we are sure that even from the technical point of view the difficulties are so formidable as he supposes. It has already been not infrequent for Bills, particularly those involving financial charges, to be provided, when ordered to be printed by the first House in which they are taken, with an introductory memorandum. Moreover, every Minister in charge of a government Bill must have a brief for his second reading speech. Such a brief will have been drawn up by himself or his political advisers, in so far as it is concerned with political aspects of the Bill, but by his department in so far as he has to deal with facts, or with straight-forward explanations. When a government Bill gets into committee the Minister must, again, have a note of the effect of every clause. It would not be difficult for a skilled hand to take this mass of explanatory material, and from it to prepare a memorandum suitable for publication. Granted that a great deal of this would need to be modified as the Bill went through its stages in both Houses, and that upon some Bills the modifications might be widespread, it would still be true that most Bills pass without being completely recast, and therefore that a memorandum drawn up at the stage when a Bill is first printed could be used, eventually, for its explanation without a greater amount of re-writing than was undergone by the Bill itself as it proceeded. Such objections as there are to this suggestion seem to us to be of a different order, though one of them was touched upon by Sir Granville Ram, namely the risk that a government would be unable to resist the temptation to issue memoranda which would be commendatory rather than explanatory. As against this, however, it seems worth mentioning that almost every statutory instrument at the present day is furnished with a brief note of its effect, and that (almost without exception) these are free from objection, that is, are purely factual and expository. Perhaps the greatest objection of all is that, until provisions of an Act have been examined in the courts, it is (from one point of view) not right that the government should tell anybody what the Act means, since this might deter persons otherwise minded to test the meaning of its provisions from doing so. Here again, however, there are many precedents for doing something of the kind suggested. Before the first world war the Local Government Board regularly issued "legislation circulars" to local authorities, informing them of the purport of Acts which had been passed affecting them, and between the wars the same thing was done from the Ministry of Health from time to time, although the practice varied. Within the last few days a fairly full explanatory memorandum has been issued on the Rag Flock and Other Filling Materials Act, 1951. It would not be beyond the wit of man to devise a system by which such explanatory memoranda upon new legislation were drawn up in the government departments concerned with it, and edited by some legal authority not concerned either with the policy or with the enforcement of the

law—such a person as the Editor of the Statutes Revised or the Editor of Statutory Instruments—whose duty it would be to see that nothing tendentious, or as far as he could tell misleading, found its way into the memorandum.

Measure of Damages

The October issue of the *Modern Law Review*, an issue of unusual interest, prints as its first article an essay on the case of *Re Polemis and Furness, Withy & Co.* (1921) 90 L.J. (K.B.) 1353, by Lord Wright, who was leading counsel for the unsuccessful appellant, with Mr. (now Lord) Porter as his junior. Few cases in the law of tort have given rise to more discussion, and Lord Wright begins by recalling a passage in the *Holmes-Pollock Letters* where Holmes approved the decision and Pollock did not: see also Professor Winfield's notes upon it at pp. 277, 317, *et seq.*, of *Jenks' English Civil Law* (edn. of 1947) the first of which begins with "If the principle laid down is correct." The origin of Lord Wright's present note or essay was a suggestion that such an essay would help teachers of law at the universities. The essay had been already written when *Thurogood v. Van den Berghs & Jurgens Ltd.* [1951] 1 T.L.R. 558, was decided by the Court of Appeal which unanimously reaffirmed *re Polemis* in the face of various criticisms voiced in the intervening thirty years. The gist of the decision is that, once a tort is established, the tortfeasor takes the risk of consequences: *prima facie* a simple rule and almost obvious, but one which seems much less simple when analysed as it has been by many judges, and compared by them with earlier decisions in the same field. Local authorities are no more concerned with it than other people, but it is not less important to them than to other property owners or employers: witness *Summers v. Salford Corporation* [1943] 1 All E.R. 68; 107 J.P. 35. Into this field, as into so many others, the bottled snail creeps: Lord Wright's essay has several references to *Donoghue v. Stevenson* [1932] 101 L.J. (P.C.) 119, and he examines the question whether the principle settled in that case can be applied to injury other than material or physical injury, by marrying the snail to the principle of *re Polemis*. The importance of this is shown by reference to a judgment of Cardozo, C.J., in *Ultramares Corporation v. Touche* (1931) 255 N.Y. Rep. 170. It is impossible in a short note to do justice to the whole argument which Lord Wright puts forward; those bearing the responsibility of advising local authorities, who are more likely to be affected as defendants under the rule *respondet superior* than as plaintiffs, and any of our readers who in private practice may have to advise either a plaintiff or a defendant, will find it worth while to study carefully what Lord Wright has to say.

Public Acquisition of Land with Agricultural Tenant

We discussed at pp. 434 and 465, *ante*, a problem upon which text books are silent, *viz.*, the effect of s. 121 of the Lands Clauses Consolidation Act, 1845, upon a person who has become a "statutory tenant" protected by the Rent Restrictions Acts. We concluded that a statutory tenant is not protected against a public authority or other body which, as purchaser, can make use of s. 121 of the Act of 1845. To what we said at the pages above cited, and in a subsequent Note of the Week at p. 514, *ante*, we have nothing to add with reference to cases under the Rent Restrictions Acts, except to remark that s. 121 of the Act of 1845 is not restricted to cases of compulsory purchase; that is to say, if the acquiring authority is proceeding under an Act which applies s. 121, that section can be used to get rid of short term tenants, when the freeholder or long term head tenant has been bought out voluntarily. This remark is of general application, *i.e.*, does not apply only

in relation to the person protected by the Rent Restrictions Acts. We have since been asked to consider a parallel problem, of the relation of that section to the protection given by the Agricultural Holdings Act, 1948, to an agricultural tenant whose tenancy is expressed to be from year to year (or for a less period, but the most usual letting of agricultural land is by the year). Now s. 121 of the Act of 1845 does not speak of a notice to quit, or in terms call for such a notice. What it calls for is a "requirement," whatever that may be. Indeed, it may be remarked in passing how very loose, or verbally lax, is s. 121: we suppose that in 1845 Parliament did not think of the business of ousting a tenant who had no more than a yearly tenancy as calling for great particularity. No form of notice, then, is laid down by the Act for the tenant to be "required" to give up possession, and at 115 J.P.N. 623 we said that this requirement differed from a notice to quit in the ordinary sense, since it could be made in circumstances when a notice to quit could not be given. How then is this "requirement" affected, if at all, by s. 23 of the Agricultural Holdings Act, 1948? The provisions of ss. 23 to 25 are intended to protect agricultural

tenants against public authorities (as will be seen from s. 24) as well as against private landlords, and it may be held that the making of a requirement under s. 121 of the Act of 1845 falls within the generic phrase "notice to quit" in s. 23 of the Act of 1948, seeing that its effect is the same, and that ordinary agricultural tenancies have often been from year to year. It becomes, therefore, in each case necessary to know when the tenancy began. If before March 25, 1947, the acquiring authority have the benefit of the proviso to s. 23, and can require possession under s. 121 of the Act of 1845 forthwith, subject to compensation which may be materially increased if they demand possession unreasonably soon: see also s. 24, especially subs. (2) (b). If the tenancy began after March 25, 1947, the main provision in s. 23 applies, and defeats s. 121 of the Act of 1845. The agricultural tenant is then in a stronger position than is the statutory tenant of a dwelling-house: this may well have been intended, since the occupant of a dwelling-house enjoys protection as an individual, whereas the farmer is conceived of in the Act of 1948 as enjoying protection in the public interest.

WHO DRIVES?

By C. W. L. JERVIS

The average layman not unnaturally regards as the driver of a motor vehicle the person seated in what is properly called the driving seat and who holds the steering wheel. In so doing he is probably describing the person who is regarded by the law as the driver. What he may not realize is that this person—the one who holds the wheel—may not be the only driver of that vehicle. The question is of some practical importance and well worth an examination. It is not, perhaps, a question new to the civil law, but has recently come to the fore as a defence to a charge under s. 35 of the Road Traffic Act, 1930.

In *Reay v. Young* [1949] 1 All E.R. 1102, a case under s. 35, the insured husband was in the passenger seat of his car. When the car was stopped by the police his wife (who had no driving qualifications within the terms of the husband's policy) "was holding the driving wheel." In the course of his judgment in the Divisional Court, the Lord Chief Justice said: "I am not here to consider—it may arise in another case—whether or not the husband was, in fact, the driver of the car (i.e., whether he was controlling the driving so that he was the driver) because both respondents pleaded guilty." In *Marsh v. Moores* [1949] 2 All E.R. 27 the car belonged to an insured limited liability company. JM, a servant of the company, when on an authorized journey, allowed PM (aged seventeen) to drive. Upon a case stated, Lynskey, J., said: "In my view he (JM) still retained the control and management of the vehicle. He still retained some power to control the driving of the vehicle by operating the hand brake and in instructing PM as to how she should drive. In these circumstances, it seems to me that he still remained the driver of the car . . ." The question there, however, was whether JM was acting within the scope of his employment so as to bring the case within the principle in *Ellis v. Hinds* [1947] 1 All E.R. 337. This was expressly pointed out by the Lord Chief Justice who distinguished the case from *Reay v. Young*, *supra*, where there was no question that the wife was the servant of the husband.

Section 35, however, as is well known, does not strike at the driver. It is the *user* of the vehicle on the road when there is no policy covering that user which offends against the section. In this instance the rules of civil law and the rules of criminal law run together, for if some insured person exists who is civilly

indemnified against the consequences of the user of the vehicle on a particular occasion, there is no criminal offence under s. 35. The actual driver need not be the policy holder if his tortious driving is insured. *Ellis v. Hinds, supra*, makes this crystal clear. Nevertheless the identity of the "driver" (the inverted commas are inserted advisedly) is of importance in any case under s. 35, because the normal motor policy has an exceptions clause whereby the insurance company are exempted from liability, briefly stated, if the "driver" has never held or is disqualified from holding a driving licence. So also where the owner is covered only when he alone drives. The whole issue of guilt or innocence in any s. 35 prosecution (where there was some policy in force) turns upon the driving qualifications of the "driver." Therefore—who drives?

At this stage s. 121 of the Road Traffic Act, 1930, may have an interesting application. It provides that: "Driver, where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle and the expression 'drive' shall be construed accordingly." This provision contemplates two persons being in charge of the same vehicle, e.g., a steam wagon *Wallace v. Major* [1946] 2 All E.R. 87, where the "driver" was held to be a person "holding the driving wheel" and "making the car go." There is nothing, however, in s. 121 which expressly limits its application to steam wagons or other peculiar vehicles where, in a lay sense, one would expect one person to steer and another to control the engine of the vehicle. Indeed in *R. v. Wilkins* (1951) 115 J.P. 443 the Berkshire Quarter Sessions (presided over by Sir Laurence Dunne, deputy chairman) applied the section to a tractor. The appellants, brother and sister, were on a public road on a tractor, the sister sitting in the driving seat and the brother standing beside her. The sister was convicted of driving without a licence and the brother of permitting her to do so, and both were charged and convicted of driving a vehicle which was not insured by reason of the fact that it was being driven by a person who did not hold a driving licence. The court of quarter sessions upheld the convictions relating to the driving without a driving licence, but allowed the appeal on the charge under s. 35. The court considered s. 121 and appears to have held that both appellants were the drivers. The deputy chairman said: "If

you find that one of those drivers is a person outside the exceptions clause, the vehicle remains insured and so is not a vehicle which is uninsured on the road. We find that (the brother) remained in effective control of this tractor on the road. Therefore the exceptions clause does not apply The case is of interest because the person at the wheel was actually convicted of driving without a driving licence and yet the exceptions clause did not apply. One feels some sympathy with an insurance company which clearly designs the exceptions clause to ensure that it is only liable when a licensed or qualified driver holds the driving wheel and yet is held liable through some person "having effective control" being within the policy.

In view of the *dicta* quoted earlier in this article there seems no reason why the principle should not apply to an ordinary "private" car. So long as the insured sits near the person holding the wheel and retains "effective control" of the driving, the ordinary motor policy will apparently apply. Such cases will no doubt receive careful scrutiny by the justices, for the onus of proof is on the accused and he alone can prove the "effective control." The defence will have the greater force where the "steersman" is a learner with a provisional licence (owner driver policy), for the supervising "passenger" has a statutory duty to supervise: *Rubie v. Faulkner* [1940] 1 All E.R. 285. When taking the original particulars, the police would do well to ascertain at once if the passenger claims to have retained "effective control" over the vehicle.

More interesting problems arise if there is no insurance whatever in respect of the vehicle driven. A owns a blue car in respect of which he is comprehensively insured under the normal policy with the usual "extension" clause. He may, as is well known, drive any other vehicle not owned by him or hired to him under a hire purchase agreement. He sits in the driving seat of B's black car. B has no insurance in respect of the black car. A so supervises B that A remains in "effective control" of the black car, notwithstanding B holds the wheel and sits in the driving seat. Here, again, there are two drivers, one of whom is insured. There can be no doubt that if A sat in the driving seat and held the wheel of the black car his insurers would indemnify him. It is at the least arguable that A drives, so to speak vicariously, through the medium of B and, upon the authorities cited, A is entitled to claim he is within his policy and that his insurers are, in fact, liable for the tortious driving of both drivers.

It is a startling conclusion but, it is submitted, well worth arguing in defence of an appropriate case under s. 35. The consequences of a conviction under s. 35 are now so disastrous that almost any argument in favour of an acquittal is worth the attempt. In such a case it is more than ever necessary for the police to obtain on the spot, and in the hearing of the person in the driving seat, such useful observations as the person in the passenger seat may be rash enough to make.

CHANGING NAMES UPON ADOPTION

Changing a child's name upon adoption is an ordinary process: the child will normally pass under the surname of the family into which it is adopted, and about this change no doubt has, so far as we know, ever been suggested. But the adopters may prefer that the child's personal name or names, popularly but sometimes inaccurately called its "Christian" names, shall be altered also. It is natural and human to desire that a child to be treated as one's own shall go by a name of one's own choosing. Doubts about this have been expressed, in relation to the type of adoption of most interest to our readers, and we have discussed those doubts from time to time: see, for example, a Note of the Week at 110 J.P.N. 169, referring to the Adoption of Children (Summary Jurisdiction) Rules, 1936, S.R. & O. 1936 No. 19/L.1, and P.P. 2 at 111 J.P.N. 744. Such doubts as were already felt, about the legal effect of changing a child's personal name, were reinforced in some minds by the decision of Vaisey, J., in *Re Parrott's Will Trusts* [1946] 1 All E.R. 121, despite the different subject matter and, indeed, it should be said that his lordship, though dealing with a provision in a will for disposals of property differing according as certain Christian names were or were not changed, went out of his way to cite (in support of his own view upon the issue before him) the directions of the Chancery Judges under the Adoption of Children (High Court) Rules, 1926, S.R. & O. 1926 No. 1615/L.45, given in the *Annual Practice*, which directions provided that names inserted in a certificate of baptism might not be altered in an adoption order, though others could be added, while another direction provided that names inserted in a certificate of baptism could not be altered except on confirmation. It is worth noting, in passing, that these directions could upon the face of them apply to none but baptismal names (Christian names in the strict sense) while the second rule could only apply where the child belonged to a Christian body which practised (as many do not) the rite of confirmation. It is, however, also true to say that the doubts above mentioned have related almost entirely to Christian names in this narrow or precise sense, that is, names acquired by bestowal at baptism.

In an article at 111 J.P.N. 161, and in answering the above quoted P.P. at 111 J.P.N. 744, we called attention to the very queer results which would follow from the law as laid down by Vaisey, J., even in the sphere with which he was directly concerned: for example, how his view of the law would, undesignedly, enable baptized persons to do what equity has consistently refused to permit, namely at once to approbate and reprobate, in a manner denied to persons who acquired personal names by some process other than Christian baptism. It is proper enough that a Church or other body should have rules of its own in such a matter, for internal purposes, but the time has passed when apart from those internal purposes it could be assumed that those rules prevailed, as a matter of law. Whatever be now the internal rules of the Church of England, or other religious bodies in which names are conferred at baptism: whatever be the law applicable in the Chancery Division upon the obligation to comply with a clause requiring a change of name, before taking the benefits which a will has made conditional on such a change, a learned correspondent has suggested to us that there is no longer room for doubt about the power of changing personal names, Christian equally with non-Christian, as well as surnames, as part of the process of adoption. We are indebted to the same correspondent, also, for referring us to the following passage in *Linell, The Law of Names*, published in 1938:

"It has already been observed in a previous section of this work that it is possible that Christian names in the strict sense of the word may at the present day be changeable in the same way as other forenames or surnames, but that in the older law a Christian name was immutable."

Section 12 (2) of the Adoption of Children Act, 1949, which was enacted since the above-cited mentions of the matter in our columns, and is now replaced by s. 18 (2) (b) of the Adoption Act, 1950, provided that where the name or surname which the infant is to bear after the adoption differs from his original name and surname, the new name or surname shall be specified

in the adoption order instead of the original name or surname. Separate sets of rules covering the proceedings for the adoption of children in the High Court, county courts, and magistrates' courts have been made by the Lord Chancellor: S.I. 1950 No. 80 (L.1); S.I. 1949 No. 2396 (L.31); and S.I. 1949 No. 2397 (L.32), the two last named being made under the Act of 1949 and kept alive by para. 11 of sch. 5 to the Act of 1950. It is significant that although sch. 2 to each set of rules sets out various matters which should be investigated by the guardian *ad litem*, there is no mention there of any inquiry being made as to whether or not the child has, in fact, been baptized, and it may be significant in view of the earlier practice in the High Court, that the High Court Rules have now come into line with the others. Further, in each case the forms in sch. 1 to the rules provide for cases where the child is in future to be known by a different name or surname. In the case of the High Court reference should be made to the Adoption of Children (High Court) (Amendment) Rules, 1950, S.I. 1950 No. 346 (L.6), which amend the principal rules on this point. The Adoption of Children (High Court) Rules, 1926, S.R. & O.

1926, No. 1615/L.45 are revoked by the Adoption of Children (High Court) Rules, 1950, S.I. 1950 No. 80 (L.1), which do not leave matters to the judge's discretion to the same extent as did the Rules of 1926; in view of the detailed nature of the new Rules, and the specific reference to change of name in the Adoption Act, 1950, it appears that the Chancery Judges' directions on this point need no longer be regarded as having the same importance as formerly. According to the report of the proceedings of Standing Committee E of the House of Commons on the Adoption of Children Bill, 1949 (column 1095), Mr. Younger, then Parliamentary Under-Secretary of State in the Home Office, mentioned that the clause dealing with the registration of adoptions dealt with various other matters "including the insertion of the names which a child will bear in future," from which it looks as if it was realized that the provisions of s. 11 of the Adoption of Children Act, 1926, were being extended. Upon this, our correspondent submits that courts are now legally authorized to give effect to changes of Christian names as well as surnames on making adoption orders, and we think that he is right.

SOME REFLECTIONS ON SWEDISH LOCAL GOVERNMENT PART I

By A. H. MARSHALL

"The commune shall administer its own affairs." These words, from the basic local government law of Sweden, awaken at once an interest in the English local government administrator intending to visit Sweden. When he arrives in Sweden he is not disappointed, for he finds not only that Sweden is the neat, clean, modern, hardworking country he expected, but that the public services have made it a paradise for the old and the young. Moreover it proves to be a country where the balance of interest between politics and administration is tipped more in favour of the administrator than in countries where politics are fiercer.

Comparative local government is of peculiar topical interest in England for two reasons. First, because important decisions about the future of English local government will be taken during the next decade. Having had its functions drastically altered, and in the main reduced, as a by-product of social changes made for other reasons, English local government cannot continue indefinitely with areas originally devised for a very different range and division of duties. Nor can its general administrative arrangements expect to escape critical scrutiny.

The second reason is that, unrealized by the public, this country is carrying out what is probably the largest scale experiment in local government which has ever been attempted—the introduction into the colonies, and into Africa in particular, of local self-government. This experiment is proceeding at a rapid pace in vast areas with a bewildering variety of races and local cultures. It is being conducted simultaneously with even more important constitutional changes in colonial central governments, and in political atmospheres sometimes propitious and sometimes not. There are no direct comparisons; we thus need all the guidance we can get from systems of local government in more developed countries, especially those in which the ideas of democracy are deeply rooted.

Now it would be idle to pretend that by a short course of reading and a couple of weeks of personal inquiry, the political institutions of an unfamiliar country can be fully understood. Nor would it be possible, even if the knowledge were to hand,

to explain in two short articles the working of a foreign local government system. It is, however, possible to understand and explain the leading principles, even though the niceties of their application may elude all but the most leisureed and thorough investigator. These two articles will describe the general nature of Swedish local government and then treat a little more fully of some features of Swedish local government which appear to be most illuminating from the point of view of pending adjustments to our home local government, and the exciting experiment of introducing local self government into the colonies.

Swedish local government is very like that of England both in its organization and in its functions; in its relative freedom from central control and in its greater flexibility it is in a somewhat happier state.

In the largest towns, Sweden has the single tier system of the "county borough," and in other areas two tiers, as in England. There are six "county boroughs" and twenty-five "counties." The areas of the counties are therefore very much larger than in England, which with a total area of only two-thirds that of Sweden has sixty-two. A complete re-organization of areas is in progress, and by 1952 the number of lower tier authorities will be reduced to about one-third of the present figures. Boundaries will not necessarily coincide with ancient parish boundaries, and the area of the smallest authority will have at least 2,000 inhabitants.

Local government councils are elected by the proportional representation method, all adults having a vote. Councils are somewhat smaller in size than in England and are recognized training grounds for potential members of parliament. In Sweden, as in England, the council is supreme both in policy making and in administration, and the chairman is the local civic "head." There is no separate executive comparable with the burgomasters of Holland or the Rhineland. None the less there is a sharper distinction between policy making and execu-

tion than in England, notwithstanding the ultimate responsibility of the council for both. The distinction between policy making and execution of decisions is made by the appointment by the council of a number of what will be called in this article "committees," though they have some of the features of independent boards. These committees administer the services, though only the council can approve transactions such as the sale or purchase of land. The chairmen of some committees are appointed by the council, and in other cases are appointed by the committee. There may be as many as twenty or even thirty local boards or committees with their own specialized employees, but using common legal and financial staff. The council allocates the money and lays down the general policy, leaving the committees to do the work. Committees which are set up under the special functional laws, e.g., for health, enjoy a greater measure of independence than others, the council's control of these "special" committees being mainly through the budget. Control by the council is exercised partly through a committee which is a combination of a policy advisory and a finance committee. This committee is very important; it sifts all council business and controls many administrative acts, co-ordinates the work of the various committees and prepares the budget. The other arm of the control is the "audit" which is carried out *on behalf of the council* over the committees' transactions.

The separate committees, which are similar to the "Boards" to be found in Swedish central government, have important advantages. Because they are numerous, and because they make use of non-elected members, they enable large numbers of the population to be actively associated with local government; and they provide a simple way of making use of professional skill and special interest. The Swedes set great store by the active participation of an appreciable proportion of the population in the tasks of government.

There is a certain amount of central control, e.g., laying down of minimum standards for school buildings; and the Provincial Governors and the courts exercise some control, as will appear in the second article. Resolutions to borrow for a period of more than five years, must be approved by the central government. But there is nothing comparable with the close control of the English central departments, with their regulations, approvals, inspections and grant claim forms—not that Sweden is without inspectors for such services as education, or child relief, but their functions are largely advisory. For some purposes inspectors come under the Provincial Governor's office, and for others under the National Boards (which correspond for executive purposes to our Ministries). In some matters, e.g., Planning, the central government can reject a development but cannot alter it. In general the central department cannot force the authority to carry out its functions.

Money is provided locally by charges for services rendered, a tax on the annual value of real property and a local addition to the income tax. The rate of the last two is within the discretion of the authority, but the money is collected for them by the central government. The Swedes have now had considerable experience in adjusting income tax returns so that the income applicable to each area can be ascertained—not a simple task. Inquiry about the process of apportionment produced the reply that the major difficulties have been overcome, and that the present method is considered as reasonably satisfactory. Although the property tax is levied on the annual value, this annual value is based upon capital value in a similar way to that provided in the Local Government Act, 1948, for the computation of the rateable value of post-1918 houses; but it was interesting to find that current market values are in general the basis, i.e., inflation, is not ignored. Charges for services

seem to cover a higher percentage of the cost than in this country.

Swedish local authorities possess a measure of financial autonomy refreshing to the English observer. Like the English authorities, and unlike most continental authorities, they do not submit their budgets for higher approval; and because they draw a very much smaller proportion of their income from grant they are much more masters in their house than the English (Grants cover about thirty per cent. of the expenditure in the rural areas, and only ten per cent. in urban areas.) There is a general state subsidy on an elastic basis for the "poor" areas.

Swedish local authorities engage their own officials, who, in England, do not come under the civil service code. Their conditions of service are very similar to those in this country, and they do not enjoy the somewhat exceptional legal security of tenure of Swedish central civil servants. The allegiance of Swedish local government officers is wholly to their own councils; unlike their counterparts in many European countries they have no duties put on them by the central government. The English observer has not to struggle with those fine distinctions between an official acting as a servant of the central government, and the same official taking his orders directly from the local authority, which he found it so difficult to appraise in pre-war Germany. Again the official, as in England, is subordinate; he is there to advise and to carry out instructions. In pre-war Germany the official with his hereditary prestige, his divided allegiance, and his powers as an independent executive, often dwarfed the council member in public.⁽¹⁾ In Sweden, as in England, the elected member takes the limelight—and the kicks. Swedish local government, like that of England, is thus clear cut; what the local authority does, it does in its own right. There are few delegated duties of any magnitude, though there is close co-operation between the various governmental authorities.

Though there are naturally minor differences, the duties of Swedish local authorities are very similar to those of English local authorities before the post-war inroads into their sphere of influence. Swedish authorities thus control outdoor relief, hospitals, gas, and electricity, in addition to such services as are still performed by English authorities. Among the minor differences might be mentioned the absence of the highest form of secondary education from the duties of the Swedish authorities, and on the other hand the appearance of a duty unknown in England; the obligation to provide a temperance service to counteract one of the national vices—addiction to drinking! Incidentally, local authorities play a prominent part in housing, not only by building a proportion of the blocks of flats for which Sweden is so justly famous, but by acting as intermediaries in the granting of state assistance to house owners by means of subsidies and interest free loans. (Sweden has found a great variety of ways of assisting home building and young married couples.)⁽²⁾ In county areas, where two tier local government is in operation, the chief duties of the upper tier are: hospitals, clinics, education above elementary level but below "gymnasium" level, adult education, and agricultural development.

Finally it will be of particular interest to those concerned with town planning and re-development to learn that Swedish local authorities are large landowners: in Stockholm, for instance, the city owns eighty per cent. of the land.

⁽¹⁾ And often still do, post-war changes notwithstanding.

⁽²⁾ The climate makes building expensive, e.g., foundations must be dug at least four feet if not on rock; outside plastering is necessary; the heating and insulation must be good. Central heating has now replaced the picturesque old tiled fireplace advocated by an eighteenth century committee and formerly widely adopted.

(To be continued)

BREVITY IN LOCAL GOVERNMENT MINUTES AND REPORTS

By RAYMOND S. B. KNOWLES, D.P.A., A.C.I.S., L.A.M.T.P.I.

Brevity may be the soul of wit but it can also be the hand-aid of efficiency. It has recently been the writer's largely unenviable task to read through a representative selection of committee minutes and reports from local authorities throughout the country. And an insensate disregard of brevity is about the only common feature discernible in a variety of practice, in form and content. The election of a chairman, for example, is rarely recorded in straightforward fashion but more often in the unwieldy terms: "That he be and he is hereby elected . . ." And very often, presumably out of some fastidious regard for the feelings of the gentleman concerned—and maybe some ignorance of para. 1 of Part V of sch. 3 to the Local Government Act, 1933—the resolution is unnecessarily expressed to be *unanimous*: "Resolved unanimously—That Mr. Councillor A. Bloggs be and he is hereby elected chairman . . ." If five unnecessary words occur in little more than one line, one wonders how much public money is wasted, in these days of expensive printing and paper, in the course of several pages of committee reports.

Lack of brevity is often accompanied by lack of clarity. If committees sometimes come to "shocking decisions," says Mr. James E. MacColl in his recently published booklet *Some Management Problems in Local Government*, it may be "because they have had chucked at them a mass of indigestible material in badly-written, jargon-spattered reports, and have just failed to grasp what it is all about." And if that seems a rather harsh accusation of the ordinary run of local government officer one must not forget the criticism of the "abysmal ignorance and startling illiteracy" of candidates, which occurs in the report of the examiners of the Clerical Division Examination of the Local Government Examinations Board.

It must be hoped that all those whose task it is in local government to prepare minutes and reports will find a place on their desks for Sir Ernest Gowers' new publication *The A.B.C. of Plain Words*. It can be admitted that the speed with which committee reports and minutes must be prepared militates against first-class work, but, because of this inescapable circumstance, the ability of the officers concerned should be of the highest procurable standard.

Diversity of practice is not of itself a bad thing; one would hesitate before suggesting that all local authorities should adopt a uniform pattern in the preparation of minutes and committee reports, but it would be helpful if the best features of each method and style employed could, somehow, be brought to the notice of all local authorities, a task believed to be now under consideration by the Institute of Public Administration.

Though the observance of rule of thumb methods cannot make good draftsman of those who do not possess a flair for the work, there are several points that the less expert might bear in mind, thus avoiding the more besetting sins—long-windedness particularly. The following list of *don'ts*, relevant in respect of material prepared for submission to the local authority in full assembly, makes no pretence of being exhaustive, but it may provoke thought along lines useful in securing brevity.

1. *Don't* use words that add nothing but length to sentences. "The" can always be omitted before dates; and it is wrong to add "Messrs." in front of the title of a limited company.

2. *Don't* insert adjectives or adverbs unless in a particular instance it is essential to convey some special shade of meaning. Consideration must always be assumed to be "careful," and if all matters are dubbed "important" the quality of importance becomes meaningless.

3. *Don't* break down material into unnecessary paragraphs; don't make headings fulsome, and never repeat in the text names or other matter included in a heading. In this connexion it might be observed that the inclusion of a list of attendances in committee reports is of doubtful value.

4. *Don't* use expressions that convey nothing to the reader. One county borough council make a practice of including in committee reports the phrase: "The committee dealt with delegated business, particulars of which appear in the minute book of the committee," often repeated as frequently as nineteen times in one set of reports. The phrase does admittedly say something, but it seems hardly worth saying and could, in any case, be printed once only, at the beginning of the volume of reports.

5. *Don't* record discussion or minority opinion for it is the decision that matters. Paragraph 1 of Part V of sch. 3 to the Local Government Act, 1933, states plainly enough that as a general rule "all acts of a local authority and all questions coming or arising before a local authority shall be done and decided by a majority of the members of the local authority present and voting thereon at a meeting of the local authority."

6. *Don't* include long lists of tabulated material, staff appointments and resignations, accounts for payment, statutory notices served, etc., that can just as well, and more economically, be laid on the table for examination at the meeting. Many local authorities duplicate items of recommended expenditure both in the report of a spending committee and in the report of the finance committee. So long as there is an appropriate paragraph in the spending committee's report upon which any principle or policy involved can be debated, expenditure items should normally be included once only, in the finance committee's report.

A final word or two. In achieving brevity one must not fall into the error of becoming obscure or style-less. Nor must essential information be omitted, an abuse to which the report system as opposed to the submission of full minutes all too easily lends itself.

REFLECTION

The Larceny Act, you may very well feel,
Doesn't add very much to "Thou Shalt Not Steal."

J.P.C.

FURTHER LINES TO A DISLIKED CLERK

There was barely room for error
(Half the case was common ground),
But the Man's a Holy Terror—
What there was he quickly found.

J.P.C.

WEEKLY NOTES OF CASES

KING'S BENCH DIVISION

(Before Lord Goddard, C.J., Hilbery and Pilcher, JJ.)

R. v. FOLKESTONE AND AREA RENT TRIBUNAL. *Ex parte* SHARKEY

October 11, November 2, 1951

Rent Control—Rent tribunal—Jurisdiction—Application for grant of security of tenure—Notice to quit served before reference to tribunal—Furnished Houses (Rent Control) Act, 1946 (9 and 10 Geo. 6, c. 34), s. 5—Landlord and Tenant (Rent Control) Act, 1949 (12 and 13 Geo. 6, c. 40), s. 11 (1).

MOTION for order of *mandamus*.

The tenant, one Thomas Sharkey, was at all material times the weekly tenant of two furnished rooms at No. 67, Rancorn Road, Margate. On May 4, 1951, the landlords served on him a notice to quit on May 13. On May 10, the notice not having expired, the tenant referred his contract of tenancy to the Folkestone and Area rent tribunal under s. 2 of the *Furnished Houses (Rent Control) Act, 1946*, seeking a reduction of rent. On the same day he also applied to the same tribunal for an extension of the period within which a notice to quit should not take effect. He purported to make that application under s. 11 (1) of the *Landlord and Tenant (Rent Control) Act, 1949*. Both applications were heard by the rent tribunal on June 5. They reduced the rent from 30s. to 15s. a week, but refused to entertain the application for an extension of the period within which the notice to quit should not take effect. The tenant then obtained leave to apply for an order of *mandamus* directing the tribunal to hear and determine his second application.

By s. 5 of the *Furnished Houses (Rent Control) Act, 1946*: "If, after a contract to which this Act applies has been referred to a tribunal

by the lessee or by the local authority . . . a notice to quit the premises . . . is served by the lessor on the lessee at any time before the decision of the tribunal is given or within three months thereafter, the notice shall not take effect before the expiration of the said three months: Provided that—(a) the tribunal may . . . direct that a shorter period shall be substituted for the said three months in the application of this section to the contract that is the subject of the reference; and (b) if the reference is withdrawn, the period during which the notice is not to take effect shall end . . . seven days from the withdrawal of the reference."

By s. 11 (1) of the *Landlord and Tenant (Rent Control) Act, 1949*: "Where a contract to which the Act of 1946 applies has been referred to a tribunal under that Act, and the reference has not been withdrawn, the lessee may, at any time when a notice to quit has been served and the period at the end of which the notice takes effect (whether by virtue of the contract, of the Act of 1946 or of this section) has not expired, apply to the tribunal for the extension of this period . . ." By s. 11 (5): "This section shall be construed as one with the Act of 1946 . . ."

Held, that reading s. 5 of the Act of 1946 and s. 11 (1) of the Act of 1949 together, the latter subsection was intended, not to give rent tribunals a new power, but only to extend the power given by the earlier section, and that the power to grant security of tenure existed only where the notice to quit had been served after the reference to the tribunal. The tribunal had, therefore, rightly declined to entertain the tenant's second application, and the motion for *mandamus* failed.

Counsel: *Douglas Lowe* for the tenant; *J. P. Ashworth* for the tribunal.

Solicitors: *Jaques & Co.*, for *Malcolm Borg & Borg*, Margate; *Solicitor, Ministry of Health*.

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

REVIEWS

Oke's Magisterial Formulist. Fourteenth Edition. By J. P. Wilson. London: Butterworth & Co. (Publishers) Ltd., Shaw and Sons Ltd. Price: £5 5s. net.

The work of the magistrates' court becomes more and more complicated, and the number of forms of various kinds which have to be used grows correspondingly. New-comers to the work find it difficult, and even old hands may sometimes be at a loss to deal with new types of cases, perhaps rarely encountered and therefore all the more troublesome. In some instances forms are statutory, but in many they are not, and the clerk or his assistant or some other official may have to draft a form, after reference to statutes or regulations unless he can find a trustworthy precedent. Such a precedent will save time and trouble, and that is just where *Oke* comes to the aid of hard pressed officials and practitioners.

The first edition was published in 1850, and after a hundred years *Oke* remains the standard formulist and the companion of *Stone's Justices' Manual*. Mr. Wilson, who edits the present edition, is clerk to the Sunderland Justices and this year's president of the Justices' Clerk's Society. He is also to be joint editor, with Mr. J. Whiteside, of forthcoming editions of *Stone*. Mr. Whiteside is a former editor of *Oke*, and the collaboration of two editors whose reputation stands so high gives unrivalled authority to both books.

Since the previous edition was published in 1947, supplements have kept it up to date as far as possible, but the mass of new legislation made a new edition indispensable. A small, but not unimportant change is the substitution, where possible, of the term "magistrates' court" for the various descriptions hitherto employed. "Magistrates' court" is now recognized by statute and is being increasingly used. In general, the plan of the work remains unaltered, and those who are already accustomed to using it will be quite at home with the new edition.

Oke is more than a collection of forms though of course its main purpose is to provide forms which, by reason of suitable arrangement and the provision of a voluminous index, can easily be found. What makes the book still more valuable is that there are notes as to the penalties for various offences dealt with and as to matters of procedure, so that in referring to an unusual form the reader may find useful information which it might take him some time to find in other books. Just one example may illustrate this. For forms to be used in connexion with offences of abstracting electricity, the reader is referred to other forms relating to gas, and there is a note referring to the Larceny Act, and also to the Gasworks Clauses Act, 1871, Electric Lighting Act, 1882 and the Electricity Act, 1947. The relation of these enactments to one another, and the present position as to prosecutions

and evidence, which are not altogether easy to ascertain, are sufficiently indicated in this note, without which considerable research might be necessary.

Dairy Law. Sum and Substance. By A. Leslie Barton. London: Charles Griffin and Co., Ltd. Price 7s. 6d.

This is a handy little book of reference for the use of all who may be concerned with any aspect of milk trading. It deals with all kinds of milk and milk products. The arrangement is alphabetical, with a reference to enactments applicable under each heading. There are enough cross-references to make it easy to find any particular topic and there is no need for an index. The book is well printed and bound, and is small enough to be carried quite easily in a jacket pocket. It should prove useful to anyone who wants to find out just where to look for the law or to know what, in brief and general terms, that law is.

Abstract of Legal Preliminaries to Marriage in the United Kingdom and the other Countries of the British Commonwealth of Nations, and in the Irish Republic. London: His Majesty's Stationery Office. Price 6s.

In a preliminary note, the Registrar General states that the only previous edition of this handbook was published in 1908. Much has happened since then, and a new edition was certainly due. The book is a guide to marriage laws throughout the British Commonwealth and Empire and the Republic of Ireland. It has been compiled with the assistance of the various governments concerned, and may therefore be taken as complete and accurate in all respects. The law is generally stated as it was at the end of 1947, but, whereas that was no doubt the latest date for most of the overseas territories, it is satisfactory to note that the Marriage Act, 1949, is included in the Statutes in force in the United Kingdom. Information includes details of the various requirements which must be fulfilled before a person is competent to marry, how the necessary notice must be given, the times and places at which marriages may take place and the persons by whom they may be solemnized. Occasions not infrequently arise for ascertaining the position with regard to a marriage in some other part of the Commonwealth than that in which both or one of the parties reside, and as to any special steps that may have to be taken. This guide supplies all the necessary information, clearly set out. No detail seems to have been overlooked. Thus the case of so-called irregular marriages in Scotland has not been omitted, and there are references to special provisions relating to persons of certain religious denominations.

The book may well prove useful in the magistrates' courts when

questions as to the validity of a marriage are involved, as it will help the court to decide what line of inquiry to pursue and what kind of evidence to require. It will certainly be of value to those who may have to advise upon such questions.

Rent Restrictions. By Esther Dangerfield. London: Stevens & Sons, Ltd. Price 6s. 6d. net.

This is another of the small popular books in the series entitled "This is the Law." None of the topics, where law bears on personal life and conduct, is more important to the ordinary man than rent restriction. For the majority of the population of Great Britain, it is indeed the central fact of their economic life, and (whether this be right or wrong) few people expect that the control of rents will be got rid of, in any future that can be foreseen. It is the more unfortunate that no government has felt able to tackle the problem of presenting the law in intelligible form. Indeed, the statute law and case law present a tangle which is difficult even for the lawyer, a tangle in which the specialist lawyer himself may easily lose his way. For the layman the tangle is virtually impenetrable. There are admirable textbooks, which we have reviewed from time to time, but in the present work Miss Dangerfield has set herself to do what is not the business of a legal textbook, that is to say to present the substance of the law, in a form in which those affected by it can discover it, without becoming involved in too many technicalities. Mr. R. E. Megarry (himself the author of one of the best of the legal textbooks on the subject) has contributed a foreword. In this he says that, until recently, he would have dismissed as impossible the task of explaining the law of rent restriction in simple language, without introducing at the same time dangerous inaccuracies, but he considers that in the present little book Miss Dangerfield has succeeded in that task. It is impossible in a book of this size to set out every exception and qualification to the guiding rules, and it cannot be too strongly emphasized that a tenant or landlord should, in this field above all others, seek legal advice at an early stage of any difference of opinion. With this reservation in mind, the ordinary man or woman, concerned to know the position under a tenancy agreement, in regard to rent or payments for repairs or rates, in fact in regard to the multitudinous matters great and small which affect the relations between the landlord and tenant of the ordinary house, can be advised to refer to this book. We even venture to suggest that, if any government ever plucks courage to have the Acts consolidated, even the government's advisers engaged upon that duty may find it

helpful to refer to Miss Dangerfield's arrangement of the subject matter.

National Insurance Acts: Index to Commissioner's Decisions. London: His Majesty's Stationery Office, 1951. Price 8s. 6d. net.

The Industrial Assurance Commissioner appointed for purposes of the National Insurance Acts, 1946 to 1949, and the National Insurance (Industrial Injuries) Acts, 1946 to 1948, is the final authority for deciding appeals upon claims to benefit under those Acts. His decisions dealing with questions of major importance are published, so as to make them available in something the same way as decisions of the Minister of Town and Country Planning, to which we have referred from time to time, so that persons affected may know where they stand, as they do under a system in which their rights are decided by the courts. These reported decisions of the Commissioner were, up to the end of 1950, collected in a series of pamphlets, divided according to their subject. As from the beginning of this year decisions are being published singly. Both the pamphlets and the single decisions can be obtained from H.M. Stationery Office in the ordinary way. The index now before us covers all reported decisions of the Commissioner since the Acts came into operation. Its purpose is to provide a ready means of ascertaining whether any of these decisions covers a particular point; it is designed primarily for use by those concerned in the regular course of business with the administration of the Acts. It will, however, be useful also to solicitors or members of the bar who may be asked to advise on the chance of succeeding with a claim under the Acts. It is on the loose leaf principle, and the introduction states that about once a month periodical additions will be issued, on inset sheets or gummed slips, at an annual subscription rate of 5s. post free. We have not often been asked to advise upon claims for benefit under these Acts, and do not feel that we have enough knowledge of the subject matter to appraise the value of the publication. Looking at it for the first time, we are struck by the skill with which decisions have been summarized, and collected under suitable headings related to the principal topics which the Commissioner has to decide. Examination of pages chosen more or less at random suggests that the information in the index will often be enough to dispose of an inquiry, since the circumstances of each decided case are plainly and at the same time briefly stated, together with the result, enabling the reader to see without delay the difference between one case and another. We should think that an insurance official or a legal practitioner who is regularly concerned with such matters would find it, with its inexpensive monthly supplements, an essential work of reference.

MISCELLANEOUS INFORMATION

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS

The Report to the United Nations by H.M. Government in the United Kingdom and Northern Ireland, for 1950, has recently been published. The following new regulations came into operation during the year: the Dangerous Drugs Regulations, 1950 (S.I. No. 380, 1950) and the Dangerous Drugs (Application) Order, 1950 (S.I. No. 527, 1950). The former came into force on April 1, 1950, and in addition to amendments of the existing regulations consequential upon the passing of the Veterinary Surgeons Act, 1948, the regulations consolidate the existing provisions as to the classes of persons authorized to possess and supply dangerous drugs, and amend them by further restricting the class of persons employed as dispensers who are not registered pharmacists, and by adding, subject to specified safeguards, sisters in charge of wards or out-patients' departments. Authority is given to midwives to possess and administer pethidine for the purposes of their profession, subject to certain conditions.

The Dangerous Drugs (Application) Order, 1950, came into operation on May 1, 1950, and provide for the control of eight additional drugs, Alpraxodine and others.

Dealing with drug addiction, the Government's estimate of the number of addicts in the country is grouped under three headings (a) those receiving drugs from medical sources during 1950: men 158 and women 148; (b) those receiving drugs from illicit sources. It is pointed out the only evidence is in respect of opium and hemp, and the extent can only be judged from seizures. There is no evidence of illicit traffic in manufactured drugs, and the addicts found in unauthorized possession of drugs during 1950 had obtained them from legitimate sources but by unlawful means (e.g., forged prescriptions, obtaining current supplies from more than one doctor, etc.). These persons were supplementing legitimate supplies, and were already known as addicts; (c) the volume of illicit narcotics seized within the country: continued seizures of opium and hemp make it clear that there is a limited number of users of these drugs, confined almost exclusively to the coloured population, but no reliable figure can be

given. The decline in seizures of opium in recent years suggests that the number of addicts to this drug is decreasing.

Of persons addicted to the manufactured drugs the majority were over thirty years old and the number of men and women roughly equal. They included ninety-two doctors (eighty-seven male and five female), one dentist, one veterinary surgeon and one pharmacist. Users of opium and hemp appear to have been males almost without exception, whilst most of those found in possession of opium were elderly, the largest number found in possession of hemp were between twenty and thirty years of age.

About sixty per cent. of addicts to manufactured drugs used morphine, either alone or in combination with other drugs and about twelve per cent. used pethidine. There is no compulsory treatment of addicts in the United Kingdom, and there is no state institution specializing in problems of addiction but there are a number of public hospitals where addicts can be treated, and several private nursing homes dealing almost exclusively with alcoholics and drug addicts.

The system of import certificates and export authorizations for the control of imports and exports of opium and other dangerous drugs continues to function satisfactorily.

The decline in the traffic in opium is shown in tabulated form in the report: in 1944 the number of persons prosecuted in the United Kingdom for offences relating to the unlawful importation or possession of opium, or opium smoking utensils was 256. In 1947 the number had dropped to seventy-three, and for 1950 to forty-one. On the other hand it is now clear that the traffic in hemp is of much greater importance. Persons prosecuted for unlawful importation or possession of the drug in 1944 numbered six; in 1947 there were forty-nine prosecutions and last year eighty-six.

Altogether 155 persons were convicted under the Dangerous Drugs Acts during 1950. Seventy-nine of these cases related to the unlawful importation or possession of hemp, thirty-eight to the unlawful importation or possession of opium or opium smoking utensils, twenty-seven to the unlawful possession, procuring or supply of

manufactured drugs, and two to the unlawful possession of both hemp and cocaine. All but seven of the twenty-seven convictions in respect of manufactured drugs arose out of forged prescriptions and the like.

DISTRIBUTION OF GERMAN ENEMY PROPERTY ACT ORDER IN COUNCIL PROVIDES FOR CLAIMS AND PAYMENTS

The Distribution of German Enemy Property (No. 2) Order, 1951, S.I. 1951 No. 1899 which provides for the distribution of the proceeds of German enemy property to persons establishing claims in respect of "German enemy debts" will come into force on February 1, 1952.

For practical purposes "German enemy debts" may be taken to mean debts owed since before the War by German persons, to British persons resident or carrying on business in the United Kingdom (which includes the Channel Islands and the Isle of Man).

The Order provides for the making, determination and payment of claims and lays down a scheme of distribution which differentiates between various classes of claims. In so doing it gives effect to the recommendations contained in the report of the Advisory Committee on the Distribution of German Enemy Property, which committee was appointed by the President of the Board of Trade in May last year to advise on the distribution and which was representative of the main creditor interests. The committee recommended the adoption of what is in effect a system of priorities as between the different main groups of creditors, namely the bondholders, the standstill creditors, and the trade and commercial creditors and in the case of the bondholders as between the holders of bonds of different loans. The Order in Council provides for this. It also excludes certain classes of claims from the distribution, which again is in accordance with the committee's recommendation.

In particular, the order provides that claims in respect of debts which on September 30, 1951, were not owed to British persons cannot be entertained.

There will be two methods of paying out claims. In cases in which the debt in respect of which a claim is made is owed by a German person who formerly owned property here which is now in the hands of the Administrator, the claim may be paid out of the proceeds of that property. In other cases the claim will be paid out of the general fund made up of the proceeds of German enemy property collected by the Administrator and not paid out in response to direct claims. The former method will only be employed if it affords the claimant a higher dividend than he would get from the general fund.

A small fee to cover the costs of the operation will be deducted from payments made to claimants.

Claims must be made within three months of February 1, 1952, the date the order comes into force.

The Administrator of German Enemy Property points out that he will be unable to receive claims unless they are made on the appropriate forms, which are at present being printed, but which will not be available before the New Year. A further announcement will be made when the forms are available. In the meantime, any necessary inquiries about the order should be sent to the Administration of Enemy Property Department, Lacon House, Theobalds Road, London, W.C.1.

ROAD ACCIDENTS—AUGUST, 1951

Road casualties during August totalled 21,819. 470 persons were killed and 21,349 injured, 5,349 seriously. The position was rather worse than in August, 1950, when total casualties were 20,951, but not quite so serious as in August, 1938, (the last pre-war August for which figures are available) when the total was 22,858.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 76.

TWELVE LUCKY HOUSEHOLDERS

A limited company carrying on business as coal merchants and the local depot manager appeared at Wallington Magistrates' court recently, each to answer twelve summonses alleging that coal had been furnished for consumption in controlled premises in excess of the maximum quantity permitted contrary to the provisions of art. 6 of the Coal Distribution Order, 1943, as read with the Coal Distribution (Restriction) Direction, 1950.

For the prosecution, it was stated that twelve Wallington and Carshalton householders were supplied with more fuel than they were entitled to receive under the order, the excess deliveries totalling something over eight tons. The prosecution attributed the offences to laxity in oversight of the depot by the company.

Counsel appearing for the company and the manager, who pleaded guilty to all charges, urged in mitigation pressure of work and sickness of employees, and pointed out that there were only these twelve mistakes in a total of over 13,000 deliveries aggregating over 3,000 tons.

The company was fined £5 on each summons and ordered to pay £3 costs, and the manager was fined £3 on each summons.

COMMENT

With winter approaching fast, readers of this report may be expected to experience pangs of jealousy and envy similar to those which rise unbidden in many a breast each week, when the daily press announces that some hitherto unknown member of the community has "invested" a £d. so wisely that it has been transformed overnight into £75,000!

It is rare indeed for charges such as those reported above to come before the courts: one obvious explanation of this fact is that it is a little difficult to see who, in the normal course of events, would wish to institute proceedings.

Article 6 of the Order of 1943 gives power to the Minister of Fuel and Power to specify by direction the maximum quantity of coal which may be furnished or acquired for actual consumption in controlled premises, during any periods specified in the direction.

The penalty for offences against art. 6 is provided by reg. 55 of the Defence (General) Regulations, 1939.

(The writer is indebted to Mr. A. J. Chislett, B.Sc., clerk to the Wallington Justices, for information in regard to this case.)

R.L.H.

No. 77.

A POACHER CAUGHT

The master of a French trawler, the thirty foot *Notre Dame de Paris* of Boulogne, appeared at Lewes Magistrates' Court on August 15 last, charged with a contravention of s. 7 of the Sea Fisheries Act, 1883. The particulars of the charge alleged that the defendant, being the master of the *Notre Dame de Paris*, a foreign sea fishing boat, unlawfully entered within the exclusive fishery limits of the British Islands, and then and there was engaged in fishing from such boat within the said limits, viz: within the distance of half a mile from low water mark off Rye harbour.

For the prosecution, it was stated that the accused was discovered in the act of fishing at 12.25 a.m. that day. There was only one light amidships on the vessel, and no masthead light, as there should have been. The vessel was driven by diesel engines and could do about six or seven knots. A Fishery Protection vessel, H.M.S. *Watchful*, equipped with radar to help her in the work of detection, approached through the darkness without lights, and when about twenty yards from the *Notre Dame de Paris*, flashed on its searchlight, and caught the crew red-handed pulling in the catch. H.M.S. *Watchful* threw a handline across to the trawler, but the crew threw it back, and an officer from H.M.S. *Watchful* then boarded the trawler, and remained aboard while she followed H.M.S. *Watchful* into Newhaven Harbour. The trawler's crew consisted of three men and a boy aged thirteen, who was described as a passenger.

The defendant, who pleaded guilty to the charge, told the court through an interpreter, that he intended to take shelter from bad weather in Rye Harbour, but when he got near the harbour the weather improved and he started fishing instead.

For the prosecution it was urged that illegal fishing such as that to which the defendant had pleaded guilty caused great loss to British fishermen. Confiscation of gear was the only deterrent as offenders did not take much notice of pecuniary penalties.

The Chairman, remarking that it was a bad case, imposed a fine of £5 and ordered all the defendant's trawling gear, net, otter boards, and warps, to be confiscated.

The defendant protested that he used the same warps to moor his vessel as he used for trawling but the chairman said that if necessary he must return to the purchase of new warps before putting to sea to return to France.

COMMENT

Section 7 of the Act of 1883 forbids a foreign sea-fishing boat to enter within the exclusive fishery limits of the British Islands and provides that, if any person on board such a boat within the said limits shall fish or attempt to fish, the master or person for the time being in charge of such boat shall be liable in the case of a first offence to a fine of £10 and in the case of a second or subsequent offence to a fine of £20.

Section 28 of the Act defines the expression "exclusive fishery limits of the British Islands" as meaning that portion of the seas surrounding the British Islands within which Her Majesty's subjects have, by international law, the exclusive right of fishing. "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Channel Islands and their dependencies.

The penalties prescribed by the Act of 1883 proved inadequate, and by s. 5 of the Fisheries Act, 1891, it was provided that upon a conviction under s. 7 of the Act of 1883, any fish or fishing gear found in the boat should be liable to be confiscated.

The penalties were again increased in 1938 and s. 54 (4) of the Sea Fish Industry Act, 1938, increased the maximum fine under s. 7 of the Act of 1883 to £50 for a first offence and £100 for a second or subsequent offence.

The writer is informed that the mesh of the defendant's trawl was exceedingly small, measuring forty-five rows of knots to the yard or twenty-one rows more than is permitted to British fishermen fishing outside territorial waters. One third of the confiscated catch was found to be below the prescribed size limits and was dumped overboard; the remainder of the catch was sold at Brighton fish market. No purchaser could be found for the nets owing to them being of a size not permitted in this country and they were sold back to the defendant for £20. Defendant also paid £5 for the warps, but could not afford his other boats.

The writer believes that it has not been the practice of courts dealing with similar cases to make wide use of the provisions of s. 5 of the Fisheries Act, 1891, to order forfeiture of the gear and catch, and in many cases it has paid a poacher from the other side of the water to pay the fine imposed and to reimburse himself from the proceeds of sale of the catch on his return to France. It seems clear that, if courts make more use of their powers to confiscate catch and gear, an increasing number of poaching fishermen will decide that the game is not worth the candle and will leave to British fishermen the exclusive right to fish in waters which, by law, should belong to them alone.

(The writer is greatly indebted to Mr. A. H. Chandler, clerk to the Lewes Justices, for information in regard to this case. Mr. Chandler mentions that the case fell to be dealt with by his justices because Newhaven port happened to be the most convenient port in which to bring the offending boat on "arrest." The court sat late in the evening and wished there had been a port at Rye.)

R.L.H.

PENALTIES

Gowerton—September, 1951—stealing postal packets—two months' imprisonment. Defendant, a postman aged sixty-two, retained a letter containing three 10s. postal orders. Defendant pleaded guilty and asked for a similar offence to be taken into consideration. He had previously borne an exemplary character.

Scunthorpe—September, 1951—(1) taking away an Army truck without the owner's consent, (2) driving while under the influence of drink, (3) driving the truck while disqualified, (4) no insurance certificate—eight months' imprisonment. Defendant, aged twenty-eight, who was convicted last July of taking away a bus, told the Police that he had drunk eighteen whiskies and fourteen pints of beer and stout mixed.

Trowbridge—September, 1951—indecently assaulting a boy of nine (three charges)—four months' imprisonment each charge (consecutive). Defendant, aged fifty-three, had previously been convicted for indecent assault and had also served twelve months for shopbreaking and larceny.

Marplebone—September, 1951—(1) travelling on the railway without paying a fare, (2) riding on the buffers of the train, "not then provided for the conveyance of passengers"—(1) fined 10s. (2) fined 1s. Defendant, a gunner, to avoid being caught climbed out of the train on to the carriage buffers as the train was approaching Paddington Station.

Evesham—September, 1951—causing unnecessary suffering to two pigs—fined £2. To pay £3 costs. Defendant, a lorry driver, conveyed two pigs fifty miles by lorry. The pigs suffered so badly from arthritis that they could only walk with difficulty and squealed when they tried to move.

Bristol Quarter Sessions—September, 1951—indecently assaulting an eighteen year old police cadet in a cinema—fined £50. Defendant, aged thirty-seven, a naturalized British subject with an exemplary character.

CORRESPONDENCE

[The Editor of the *Justice of the Peace and Local Government Review* invites correspondence on any subject dealt with in its columns, for example, magisterial matters, probation, local government, etc.]

The Editor,

Justice of the Peace and
Local Government Review.

DEAR SIR,

CRIMINAL JUSTICE ACT, 1948

It is strange and confusing to find the Criminal Justice (Scotland) Act, 1949, amending the Criminal Justice Act, 1948, not merely where the Act of 1948 affects both countries but in provisions applicable to England alone. It was clearly right that any improvements occurring to the then Government between the passing of the Act of 1948 and their preparing the Bill of 1949 should be included in the latter; it was also right that England should have the benefit of these afterthoughts, but it would have been much more convenient if they had been enacted in a short Bill amending the English Act. The exigencies of parliamentary business were no doubt the cause of tucking English amendments away as "consequential" in a Scottish schedule.

Upon the inconvenience produced, every lawyer will agree with the article contributed by G.N. at p. 695. But why make matters worse by doubting (as he does) whether the drafting is effective—with the result that he has to fall back upon the maxim *ut res valeat*? He says truly that s. 79 (1) limits the Act of 1949 to Scotland, save as otherwise expressly provided, but surely nothing could be more "express" than s. 77. This says that the enactments in the first column of sch. 11 shall have effect subject to the amendments specified in the second column. In the first column are several provisions of the Act of 1948, which as enacted in 1948 did not apply to Scotland. By bringing these into the schedule, s. 77 expressly provides (as s. 79 (1) requires) an exception to the purely Scottish operation of the Act.

Yours faithfully,

N. R. TEMPLE.

London, S.W.1.

The Editor,

Justice of the Peace and
Local Government Review

DEAR SIR,

BLOOD TESTS AND DISPUTED PATERNITY

Your contributor at 115 J.P.N. 663 refers to the Bastardy (Blood Tests) Bill of 1939, under which, if passed, the applicant for an affiliation order, the child and the alleged father could have been ordered to undergo a blood test. During the passage of the Bill the term "the applicant" was altered to "the mother" in view of the large number of applications made by public assistance authorities or their officers. Where the local authority was the applicant, it was, no doubt, felt that, while the annual ceremony of pricking the sheriffs does not take very long, the task of pricking the mayor, aldermen and all the burgesses of a large town would be in the nature of a timeless test. Likewise, where the public assistance officer was himself the applicant, the poor man might soon be suffering from permanent anaemia.

Yours truly,

CAMBRIAN.

PERSONALIA

OBITUARY

Sir Herbert Grotian, Bt., K.C., died on October 28 at Leighton Buzzard. He was called to the Bar by the Inner Temple in 1894. He was appointed Recorder of Scarborough in 1918, and took silk in 1925. He became High Sheriff of Bedfordshire in 1931 and deputy lieutenant from 1938 to 1949. He was created a baronet in 1934.

Sir Henry Nareby Harrington, solicitor to the Board of Customs and Excise, died on October 31 at the age of sixty. Educated at Birkenhead School and Merton College, Oxford, he was articled to the clerk to the Birkenhead Justices. He was admitted in 1920 and entered the Customs and Excise service as a legal clerk. He became solicitor to the Board in 1944. In 1947 he was knighted.

Mr. Gerald W. Mundy, deputy clerk to the Winchester R.D.C., died recently at the age of thirty-seven. Mr. Mundy had previously held local government appointments at Kingsbridge, Devon, and Hartley Witney.

DANGEROUS THINKING

An illuminating, though possibly apocryphal, story is related of a man about town, a persistent and successful philanderer, who was introduced (with a view to consultation) to a female thought-reader of considerable, and provocative, physical charm. Scarcely, it is said, had he crossed the threshold of her consulting-room, when the lady rose from her seat and resoundingly slapped his face.

As the Italians say, *Se non è vero, è ben trovato*—"even if it is not true, it's a good story." That the possession of the telepathic faculty may on occasion be an embarrassing advantage is clear to anybody who considers how habitually, in a sophisticated and polite society, we find it necessary to conceal our private thoughts. Mercifully, even the old common law of England recognized that, however evil the intent, no crime could be committed unless the intention was carried into effect by some overt act—the *mens rea* followed by the *actus reus*. "The thought of man is not triable, for the Devil himself knoweth not the thought of man," said Brian, C.J. (reported in Y.B. 17 Edw. IV, fo. 2).

Today it is being claimed for telepathy that it is a new science, and impressive demonstrations are from time to time given by adepts who seem concerned to prove the genuinely scientific basis of their powers by encouraging every possible safeguard against fraud. An experiment of the kind is described in a recent issue of *The Times*, whose correspondent was one of a company of journalists invited to spend an hour or two in the Chamber of Horrors at Madame Tussaud's Waxworks. With them was a young lady called Georgina, daughter of a personage known as "The Great Marlo" who, in a brightly-lighted room in another building, was to transmit to her a message by "scientific thought-transference."

"The Great Marlo" thus discounts from the start any suggestion that his powers have anything to do with supernatural phenomena; the similarity between his name and that of the author of *Dr. Faustus* is entirely fortuitous and is not to be taken as implying any assistance from Mephistophelean sources. Surrounded by another party of journalists, he sat before a list of the gruesome relics in the Chamber of Horrors. He was to draw a pencil slowly down the list until called upon, by one of the bystanders, to stop. In the vault itself there was an atmosphere of silent suspense until the young lady cried out "Jack Sheppard!" "One of the journalists in that distant, lighted room had called 'Stop!' at random, and the long wavering line had stopped—at No. 78 'John Sheppard'."

Such demonstrations are usually confined to "thought-transference" between two adepts who are mutually *en rapport*. It will be interesting to see whether future developments will lead. If the practice should receive judicial recognition, we may expect a revolution in forensic law and procedure.

Every advocate has, at some time in his experience, been placed in difficulty by the rule of evidence that he must not put leading questions in examination-in-chief. Many a good case has been lost by the nervousness or obtuseness of a friendly witness who has completely forgotten the contents of his proof of evidence or has failed to associate some statement therein contained with the neutral form of his own counsel's interrogatory. One of the most painful features of many a hearing is that "What-the-dickens-does-he-want-me-to-answer?" look in the strained face of the willing and would-be helpful victim in the box. There seems to be no good reason why the recent experiment, which was successful in the Chamber of

Horrors, should not be equally so in the chambers of counsel, by way of a few careful exercises in thought-transference before the trial.

The main interest of the lawyer and the criminologist will, however, be concentrated in another direction—that of thought-reading *in invitum*, where the second party to the experiment will be neither passive nor co-operative but will yet find his mental processes, whether he will or no, open to the mind of the expert reader. Consider, for example, the resultant efficacy of an identification parade, the suspect lolling (with studied unconcern) in the midst of a line of persons called in at random. A little preliminary training in telepathic selection, and the witness will be able to point unhesitatingly to the guilty party, whose thoughts will have given him away before even the witness has reached his place in the line. As the method develops, even this procedure will have become obsolete, for at Scotland Yard specialist officers of the Telepathic Branch will sit in a room, with portraits out of the "Rogues' Gallery" spread before them, and merely by dint of hard concentration pick out the perpetrator of the latest unsolved crime with the unerring accuracy of an expert conjurer producing the card you thought of from the middle of the pack.

In court proceedings the confutation of hostile testimony will for a time become child's-play, even to the newly-fledged advocate, assuming he has included thought-reading among the subjects of his Finals. His studies will have taught him the technique required to find the weak points in the armour of the witness he is to cross-examine, and thus successfully to pierce the most arrogant obduracy in all the proper places. But this happy state of affairs can only be temporary. The logical outcome of the new system will be that, behind the battle of words between advocate and witness, there will rage a silent conflict between opposing counsel, the one, on his feet, endeavouring to read the mental processes of the hostile witness, and the other, seated in rapt concentration, striving to suggest to that same witness, by thought-transference, appropriately damaging replies to the questions put to him.

A final word of warning, however, is necessary. Even in a world of nations armed to the teeth it is possible to maintain a precarious balance of power, and even this age of atomic weapons and counter-weapons may end in universal deadlock. Much the same thing may happen when eventually the telepathic methods have come into general use for the purposes of litigation and criminal procedure. Notorious leaders of the underworld will react to the new system by sending the members of their gangs on Courses of Mind-Reading in Six Easy Lessons, and plaintiffs and defendants alike will take pains to attain expertise in the game of hoisting counsel with his own petard. Perhaps it would be better, while there is yet time, to scrap the whole idea after all.

A.L.P.

NOTICE

A lecture on the International Joint Commission, by Judge J. E. Read, K.C., LL.D., International Court of Justice, the Hague, will be given at University College (Eugenics Theatre), Gower Street, W.C.1, at 5 p.m., on Tuesday, November 27, 1951. The chair will be taken by Dr. G. Schwarzenberger. Admission to the lecture is free, without ticket.

CORRIGENDUM

Under "New Commissions," in a recent issue the City of Winchester was inadvertently reduced in status to a borough. We much regret this error.

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

While the first days of the new Parliament have been concerned mainly with economic and financial matters, the new Ministers have been settling in their new Departments.

The new Secretary of State for the Home Department and Minister for Welsh Affairs is Sir David Maxwell Fyfe, K.C., who has represented West Derby, Liverpool, in the Commons since 1935.

Born in 1900, he was educated at Watson's College, Edinburgh, and Balliol College, Oxford. During the 1914-18 war he served with the Scots Guards. He took silk in 1934 and was later appointed Recorder of Oldham. He subsequently became a member of the General Council of the Bar.

In 1942, Sir David was appointed Solicitor-General and became Attorney-General in the "caretaker" Government in 1945. He went to the Nuremberg trials as deputy chairman of the British War Crimes Executive and there made an international reputation as cross-examiner of the Nazi war criminals. In 1947 he received the honorary degree of LL.D. from Liverpool University.

The new Attorney-General, Mr. Lionel Frederick Heald, K.C. (Chertsey), was born in 1897 and educated at Charterhouse and Christ Church, Oxford. After serving in the first world war, he was called to the Bar in 1923 and specialized in technical cases and in the law of compulsory purchase. He served with the R.A.F.V.R. from 1939-45, becoming air commodore in 1944 on appointment to General Eisenhower's staff. In the last Parliament, he sponsored a Bill to abolish the common informer procedure, which received the Royal Assent in June, 1951.

The new Solicitor-General is Mr. Reginald Edward Manningham-Buller, K.C. (South Northants), who has been in the Commons since 1943, formerly representing Kettering and Northampton. Born in 1905, he went to Eton and Magdalen College, Oxford. Admitted to Inner Temple in 1927, he practised on the Midland Circuit, and became a K.C. in 1948. He served in the Judge Advocate-General's Department during the war, and was a junior Minister in the "caretaker" Government.

HULL QUARTER SESSIONS

On one of the first Adjournments of the new Parliament, Mr. H. Pursey (Hull, East) drew attention to the postponement and adjournment of the quarter sessions at Hull on two occasions arising from the

fact that the Recorder, Mr. H. B. H. Hylton-Foster, K.C. (now M.P. for York), was a candidate in the General Election and later because he was required to attend the House.

The Solicitor-General, Mr. R. E. Manningham-Buller, replying, said that under the Municipal Corporations Act it was entirely a matter for the Recorder to determine on what date in each particular quarter he would hold his quarter sessions. In that case the learned Recorder originally decided to fix his quarter sessions for October 8, but then the Prime Minister made his broadcast announcement that there would be an Election, and as a result of that the Recorder, who was a candidate for Parliament, postponed the opening of his quarter sessions until Monday, October 29.

There was no expense incurred by or inconvenience caused to witnesses, solicitors or others by that action. It did mean that seventeen prisoners remained in custody for a further three weeks awaiting trial. But it was common knowledge that in considering what sentence was appropriate the period spent in custody preceding trial was invariably taken into account. Of the seventeen prisoners only one was subsequently acquitted, and that one was immediately re-arrested and was in custody awaiting proceedings before another court on another charge.

The Solicitor-General added that it was clearly within the power of any recorder to adjourn his session from time to time.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Tuesday, November 6

INCOME TAX BILL, read 1a.

HOUSE OF COMMONS

Thursday, November 8

EXPIRING LAWS CONTINUANCE BILL, read 1a.

Friday, November 9

BORDER RIVERS (PREVENTION OF POLLUTION) BILL, read 1a.

BRITISH MUSEUM BILL, read 1a.

METROPOLITAN POLICE (BORROWING POWERS) BILL, read 1a.

PNEUMOCOCCUS AND BYSSINOSIS BENEFIT BILL, read 1a.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Husband and Wife—Maintenance arrears—Defendant in Channel Islands.

We have been consulted by a woman who has an order made in her favour against her husband for the payment of a weekly sum which she is anxious to enforce. Her husband has left England and is now resident in Jersey, Channel Islands.

We cannot find that the reciprocal provisions of the above Act affect the Channel Islands and shall be pleased if you will let us know if there is any method of enforcing arrears of maintenance against a man resident in Jersey.

SUS.

The Act of 1920 has not been applied, but if a warrant for the arrears is issued in England it can be backed and executed in the Channel Islands, by virtue of the Indictable Offences Act, 1848, s. 13, the Summary Jurisdiction Act, 1848, ss. 3 and 35, the Summary Jurisdiction Act, 1879, s. 54, and the Summary Jurisdiction (Married Women) Act, 1895, s. 9.

2.—Landlord and Tenant—Council houses—Power to distrain.

Would your answer to P.P. 5 at p. 492 be the same in the case of dwellings requisitioned under Defence Regulation 51? ABB.

Answer.

Where an authority empowered by this regulation, or a delegate from such authority, takes possession of property, and puts some other person into occupation, the practice has been to admit the intended occupants as licensees only: *Southgate Corporation v. Watson* [1944] 1 All E.R. 603; 108 J.P. 207. Distress is therefore not a common law incident of the relationship; if the authority can distrain, it will be in pursuance of an express term in the licence. Our reply at p. 492, ante, was not concerned with such cases.

3.—Licensing—Consent to alterations—Distinction between alterations for which consent is, or is not, required—Licensing (Consolidation) Act, 1910, s. 71.

It has recently been argued before my licensing justices that a structure erected and placed in a licensed room but in no way attached to the premises and from which drinks are served by a person behind such structure does not constitute a structural alteration and in consequence there is no need for the licensing justices consent in respect of such a structure. It is pointed out that although it is a "temporary" structure in so far as it is not attached to the premises, it is apparently intended that it shall remain in position indefinitely. Can you please advise whether the licensing justices' prior consent is required before such a structure is placed in position. NUNU.

Answer.

Although the marginal note to s. 71 of the Licensing (Consolidation) Act, 1910, speaks of "structural alterations," the section as enacted mentions "alterations" only. But, as was said by Collins, M.R., in *Bushell v. Hammond* (1904) 73 L.J.K.B. 1005, 1007, "the side-note, although it forms no part of the section, is of some assistance, inasmuch as it shows the drift of the section."

In our opinion, the section relates to structural alterations which, *inter alia*, give increased facilities or drinking, not to changes in "furnishings" which make more convenient (from the licensee-holder's point of view) the service of drinks. No fine line can be drawn between these two types of alteration; but on the facts outlined by our correspondent it seems that the "structure" to which he refers is more in the nature of furniture than of an alteration to the premises.

4.—Master and Servant—Industrial injury—Continuance of contract.

Your opinion is sought as to the payment of wages to farm workers who are in receipt of injury benefit under the National Insurance (Industrial Injuries) Act, 1946. Farm workers are usually engaged for the half year from term day. In the absence of express agreement it appears that an agricultural worker is entitled, in case of sickness, to sickness benefit under the National Insurance Act, 1946, and also to payment of his wages: *Marrison v. Bell* [1939] 1 All E.R. 745, but it is not quite clear whether in the event of an accident at work he is entitled to his wages and to injury benefit. Under the Workmen's Compensation Acts a workman could not claim full, or any, wages for the period during which the compensation was paid: *Elliott v. Liggins* (1902) 87 L.T. 29.

There appears to be nothing in the Industrial Injuries Act preventing a worker from claiming both wages and benefit, and your opinion is sought as to whether he can do so.

A. PROVINCIAL.

Answer.

The receipt of industrial injury benefit does not put an end to the contract of employment, nor does the incapacity for work on which that benefit depends: *Warburton v. Co-operative Wholesale Society, Ltd.* [1917] 116 L.T. 107. This is the ordinary common law rule of master and servant, and where the contract is for a long term such as a year or half year the rule is all the stronger—the servant is the more likely to recover health and return to duty. It follows that the right to receive wages is not taken away. Compensation for which the employer is liable is one thing, statutory benefit another. It is true that an incapacity for work may be so fundamental as to frustrate the contract: *Cuckson v. Stones* (1858) 28 L.J.Q.B. 25, but, if so, the contract ends and wages cease because of the frustration, not because of the benefit.

5.—Public Health Act, 1936—Nuisance—Abatement—Expenses—Change of managing agent.

The council served an abatement notice on the agent of property under s. 93 of the Public Health Act, 1936, relative to a statutory nuisance under s. 92 (1) (2) of the Act. The notice was not complied with and complaint was made under s. 94 requiring the agent to appear before a court of summary jurisdiction. The court made a nuisance order requiring the agent to comply with the abatement notice within a specified period. The time expired under the nuisance order and the work was not completed. A few days after the expiration of the time limit, as fixed by the court, the agent indicated that he was no longer acting for this property. Someone else is now acting for this property but this person is looked upon by the council as having no direct interest in the court order. It is six months since the time limit for the abatement expired and it would appear that if the council took proceedings under s. 95 (1) all that could be expected would be a fine as it would not be competent for the court to make a further fine in respect of the continuing offence as the agent is no longer acting for the property.

So far as the council is concerned all that is required is the abatement of the nuisance and it would appear that the council now to be taken to achieve this would be for the council to abate the nuisance after having informed both the former and present agent of their intention to do so. After the necessary work has been carried out the council could then claim the cost of abatement from the agent on whom the order was made and who is the person defaulting under the court order. It would appear that the amount involved could be recovered either summarily as a civil debt or as a simple contract debt in the county court, provided the cost was not in excess of £300.

I should be glad to know:

- (1) If the above suggested course is correct;
- (2) Whether it would be possible to take proceedings for recovery of expenses against both the agent and the owner;
- (3) If any other method of recovery would be available to the council in the event of non-payment under s. 293, i.e., collection of rent or proceedings for bankruptcy against the original agent and/or the owner.

ABA.

Answer.

- (1) Yes;
- (2) We gather that the nuisance order was made against the then agent, as the "person by whose act, default, or sufferance the nuisance arises or continues," and not as "owner": see *Lumley's note* (f) at p. 306. Nevertheless he was (it appears) owner by definition, and therefore the "owner for the time being" is equally liable to pay under s. 96;
- (3) Possibly bankruptcy, if worth while, but it seldom or never is. In the present case, the council have at least two persons to go for under s. 96, so ought to be able to get their money under that section, without further complicated proceedings.

6.—Real Property—Easement—Flow of water towards lower land—Highway.

I would refer you to the case of *A.-G. v. Copeland* (1902) 66 J.P. 420, which appears to be some authority in connexion with the interpretation of s. 67 of the Highway Act, 1835. A short summary of what was decided therein was as follows: "The highway authority of a district had for a time beyond living memory maintained a pipe running through a bank which divided the highway from the defendant's land adjoining, and had discharged through the pipe on to the defendant's land water which collected on the highway. There was no defined channel on the defendant's land into which the water so discharged could flow. The defendant having stopped up the pipe, it was held that in view of the length of time during which the drain had been used a legal origin ought to be presumed for the right claimed of passing water through the drain on to the defendant's land, and that his act was wrongful, and an injunction was granted restraining him from continuing the obstruction."

A particular problem which now has arisen is as follows:

There is a certain section of a county road of which both extremities are higher than the middle portion so as to form a dip; the contour of the land on each side follows that of the road and, in addition, the land on each side is at a lower level than is the road surface; as a result, the surface water from the road has, over a period of at least sixty years, merely flowed off the road on to the adjoining land on each side which, as explained, is at a lower level than the road surface. The landowner on one side is now, by means of tipping, raising the level of his land to a level which will be above that of the road surface and, as a result, on that side of the road surface water will no longer be able to escape from the road by running off on to the adjoining land on that side.

It seems clear from the case quoted that had the surface water escaped on to the adjoining land through some form of pipe, the county council could probably have claimed a prescriptive right to discharge water by this means and could have called upon the landowner to take such steps as were necessary to permit the continued discharge of the water. The point upon which I should be glad to have your views is whether in the present circumstances the county council can claim to have acquired any prescriptive right to this general overspill and, if so, whether they can call upon the landowner to provide or to pay for some suitable system for dealing with the water.

A. JOHNAN.

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Answer.

There is a recognized difference between an artificial channel or pipe and a natural channel. The rights in the latter case are the more valuable, being normally enjoyed *ex jure naturae* rather than as an easement acquired by prescription (though this point may not be very important here, in view of the length of time since the road was made). There is a further difference between water in a defined channel and water percolating under or flowing irregularly over the surface: both common law rights and the applicability of ss. 67 and 68 of the Act of 1835, cited in the query, will be affected by this distinction, which the query does not make clear. We think the county council as owners of the land on which the road is constructed have a right not to have water flowing from that land thrown back upon it (see cases in 19 *Digest*), but on the general principle applying to nearly all easements (and natural rights attaching to a dominant tenement) cannot require the owner of the servient tenement to carry out works. In other words, his duty is passive, not active.

7. Road Traffic Acts—Disqualification—Limitation to vehicle of same class or description—Meaning of this.

A court convicting a motorist, of an offence for which disqualification may or shall be imposed, are of opinion that in a particular case the disqualification should not be absolute but should be for all types of vehicles excepting agricultural tractors, so that the defendant may continue his important work as a farmer. The proviso to s. 6, which is permissive, appears to imply that if the disqualification is not absolute it shall be only for the class or description of vehicle in relation to which the offence was committed.

I would value your advice on the following two points:

- (1) Has the court power to disqualify for more than one class or description of vehicles without making the disqualification absolute?
- (2) Do the words "class or description" have their ordinary meaning, or is this definition restricted to those vehicles comprised in each of the groups A to K set out in sch. 2 to the Motor Vehicles (Driving Licences) Regulations, 1950?

JAG.

Answer.

(1) No. The disqualification must either be absolute or be limited to vehicles of the same class or description as that being driven at the time of the offence.

(2) This has never been decided. We published at 115 J.P.N. 149 an article from a contributor who pointed out that in *Burnes v. Hall* (1950) 114 J.P. 356, the High Court approved a disqualification limited to the driving of "private motor cars." This is a class or description unknown either to s. 2 of the 1930 Act or to the driving licences regulations. It would appear, therefore, that the phrase "class or description" can be freely interpreted. A court imposing a limited disqualification knows what vehicle was being driven at the time of the offence and must try so to word its disqualification as effectively to prevent the driving of similar vehicles during the disqualification. This may not always work out quite satisfactorily in practice, but we do not think any more can be done within the existing provisions.

8. Road Traffic Acts—Halt sign—Position—Relevant directions by Minister of Transport.

In this police area there are several "Halt at Major Road Ahead" signs which have been erected (1) prior to July 15, 1937, and (2) after July 15, 1937, and I shall be pleased to have your opinion as to whether it is necessary for the "Halt" signs erected after July 15, 1937, to comply with the Directions issued by the Minister of Transport on July 27, 1935, i.e., "shall be erected not further than thirty yards from the junction of the major road," or is it sufficient that the position of the signs is approved in writing by the Minister, in accordance with his Directions dated June 30, 1937, which supersede those of July 27, 1935?

JASO.

Answer.

The present directions are the Traffic Signs (General) Directions, 1950, S.I. 1950, No. 954. By para. 2 all directions whether of a general or special character hitherto given under s. 48 (1) of the 1930 Act are revoked in so far as they apply to signs dealt with in the Traffic Signs (Size, Colour and Type) Regulations, 1950. The "Halt" sign is no. 74 in the first schedule to these regulations. By para. 2 (3) of the Directions they apply to traffic signs in position immediately before the Directions came into force (July 14, 1950) as they do to those erected thereafter. By para. 3 (1) various signs, including the Halt sign, may be placed only at sites approved by or on behalf of the Minister in writing, whether before or after the date of the Directions. It is sufficient, therefore, that the position of the sign is approved in writing by the Minister.

9.—Small Tenements Recovery Act, 1838—Council House—Tenancy at will or weekly tenancy.

In February, 1949, my council, when granting consent for the subletting of a council house (not within the Rent Acts), notified the subtenant "that no interest in the tenancy is passed to you thereby" and that in view of the age and infirmity of the present tenant vacant possession would be required if she should die. The elderly tenant did leave shortly afterwards (without formally terminating her tenancy). The council requested the subtenant to leave, but in view of his wife's ill health he was, by letter, allowed a period of grace stressing that this was a temporary arrangement and that the council reserved their right to obtain possession at any time. This letter stated "in the meantime you will be expected to pay the current rent during such temporary period as you may be in occupation." A rent card was issued marked "temporary tenancy," and rent has been accepted weekly for twelve months. Can the former subtenant be regarded as a tenant for obtaining possession of the house in the magistrates' court under the Small Tenements Recovery Act, 1838?

FOR.

Answer.

We think that the Small Tenements Recovery Act, 1838, can be invoked in this case, provided that the requisites prescribed in the statute are complied with. In our view, a new tenancy was created between the council and the present tenant after the death or removal of the original tenant, which would be construed by the court as a tenancy at will or an implied weekly tenancy and provided (in the second case) appropriate legal notice to quit is served then we think the Act applies.

10.—Tort—Vehicle unattended on slope—Interference by children.

A person parked his private car in a certain inclined street, the car being parked pointing down street. The car owner then left his vehicle and during his absence two boys aged five years and six years respectively opened one of the car doors and released the hand brake. The car thus commenced to move down the street and it then mounted the footpath. At the edge of the footpath was an electric lamp standard which the car ran into and caused to snap in the middle. Do you consider the car owner liable for the damage caused to the lamp standard?

A. FERE.

Answer.

Yes, unless he can somehow distinguish the facts from those in *Martin v. Stoneborough* (1924) 41 T.L.R. 1 and *Parker v. Miller* (1926) 42 T.L.R. 400.

11.—Town and Country Planning Act, 1947—Proposal to lay out square forming part of the highway as gardens.

My authority, a borough council, has decided as part of its Festival of Britain programme to lay out as permanent gardens a portion of a large square which is a class 3 highway.

It is not anticipated that there will be any serious objection to this proposal, as no doubt it will add to the beauty and amenity of the borough. So far as the town clerk's knowledge goes he does not believe that the land beneath the proposed area of the gardens belongs to his authority.

Your opinion will be appreciated upon the following:

- (1) Has the borough council the power to appropriate a portion of a class 3 highway and lay it out as gardens?
- (2) If it has such power, as aforesaid, wherefrom does it derive its legal authority?
- (3) If there is legal authority what procedure should be adopted to implement the authority's wishes?
- (4) If there is legal authority for such conversion as is hereinbefore mentioned, should the owners of the land below the highway be consulted and would it be necessary for them to convey their legal interest in the land below the area of the proposed gardens to the borough council?
- (5) Your general opinion would be appreciated.

FAR.

Answer.

In our view:

- (1) No.
- (2) Does not arise.
- (3) Does not arise.
- (4) Does not arise.
- (5) There appears to be no direct authority to enable the course you contemplate to be taken.

Section 49 of the Town and Country Planning Act, 1947, enables the Minister of Transport to stop up highways to enable development in accordance with a planning permission under Part III of the Act.

The section empowers the Minister to make the order in accordance with the provisions of sch. 6 to the Act.

It would, therefore, appear that the Minister can, if he so desires, stop up that part of the square in respect of which planning permission for the change of user has been granted.

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FORM OF BEQUEST

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BOROUGH OF GUILDFORD**Appointment of Assistant Solicitor**

APPLICATIONS are invited for the permanent appointment of Assistant Solicitor in the Town Clerk's Department, at a salary in accordance with Grade Va and VII of the A.P.T. Division of the National Scheme of Conditions of Service, viz.: £600 per annum rising by an increment of £20, but after two years' legal experience £685 rising by annual increments of £25 to £760.

The appointment will be subject to the provisions of the Local Government Superannuation Act, 1937, and the successful candidate will be required to pass a medical examination. Canvassing, directly or indirectly, will disqualify.

Applications, stating age, qualifications and experience, giving the names of two referees and endorsed "Assistant Solicitor," must be delivered to me not later than December 8, 1951.

HERBERT C. WELLER,
Town Clerk.

Municipal Offices,
Guildford.
November 14, 1951.

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NORTHAMPTONSHIRE COMBINED PROBATION AREA**Appointment of Senior Probation Officer**

THE Northamptonshire Combined Probation Committee invite applications from male probation officers for appointment as Senior Probation Officer to serve in the Northamptonshire Combined Probation Area, with effect from February 1, 1952. Applicants must have had wide experience as probation officers and be capable of supervising the work of other officers.

The appointment and salary will be subject to and in accordance with the Probation Rules, 1949 and 1950, with an additional allowance of £50 per annum, and the Officer will be required to provide his own motor car. The post is superannuable and the successful applicant will be required to pass a medical examination.

Applications, stating age, experience and educational qualifications, together with copies of three recent testimonials, must reach the undersigned not later than Saturday, December 8, 1951.

J. ALAN TURNER,
Clerk of the Peace and of the Probation Committee.

County Hall,
Northampton.
November 17, 1951.

BOROUGH OF BEXLEY

APPLICATIONS are invited for appointment under N.J.C. Service conditions of Senior Assistant Solicitor. Two years' legal experience from date of admission essential. Salary within Grade A.P.T. VIII plus London "Weighting" allowance.

Forms of application with Conditions of Appointment, may be obtained from the undersigned to whom completed applications endorsed "Senior Assistant Solicitor" must be returned by December 5, 1951. Canvassing disqualifies.

W. WOODWARD,
Town Clerk.

Council Offices,
Bexleyheath,
Kent.

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BOROUGH OF BRIDLINGTON**Deputy Town Clerk**

APPLICATIONS are invited for the appointment of Deputy Town Clerk at a salary according to Grade A.P.T. X (£870-£1,000 per annum). Applicants must be Solicitors with a sound knowledge and experience of the legal and administrative work of a local authority including conveyancing and advocacy.

Housing accommodation will be available.

Applications must be received by me not later than Monday, November 26, 1951. Copy of one recent testimonial should be submitted with the application and names and addresses of two further persons to whom reference can be made should be given. Canvassing, directly or indirectly, will be a disqualification and applicants must state whether to their knowledge they are related to any member or senior officer of the Council.

S. BRIGGS,
Town Clerk.

Town Hall,
Bridlington.
November 2, 1951.

BOROUGH OF SOUTHALL**Appointment of Deputy Town Clerk**

APPLICATIONS are invited from Solicitors with sound municipal experience for the appointment of Deputy Town Clerk. The salary will be £1,000 p.a., rising by annual increments of £50 to a maximum of £1,150 p.a. (subject to review on the publication of the Report of the appropriate Joint Negotiating Committee).

The appointment will be determinable by two months' notice on either side, will be subject to (a) the provisions of the Local Government Superannuation Act, 1937, (b) the Council's Conditions of Service, and (c) a satisfactory medical examination. The successful applicant must be a member of his appropriate Professional Organization or other recognized body.

Applications, endorsed "Deputy Town Clerk," stating age, qualifications, date of admission, together with particulars of past and present appointments, and specifying the names and addresses of three referees, must reach the undersigned by December 5, 1951. Canvassing will disqualify, and applicants must state whether to their knowledge they are related to any member or senior officer of the Council.

J. S. SYRETT,
Town Clerk.

Town Clerk's Offices,
Southall.
November 16, 1951.

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